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10/743,182	12/22/2003	Adam Gard	AG-1-js	7300

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EXAMINER

NGUYEN, KIM T

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/743,182

**Applicant(s)**

GARD, ADAM

**Examiner**

Kim Nguyen

**Art Unit**

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claims 1-3, 11, and 14-15 are objected to because of the following informalities:
  - a) In claim 1, line 1, the claimed limitation “the position” should be corrected to “a position”.
  - b) In claim 1, line 10, the claimed limitation “the user” should be corrected to “a user”.
  - c) In claim 1, line 1; and claim 3, line 2, the claimed limitation “said signal” should be corrected to “said position signal”.
  - d) In claim 11, line 2, the claimed limitation “the golfer 8” should be corrected to “a golfer”.
  - e) In claim 14, line 3, the claimed limitation “said processor” should be corrected to “said first processor”.
  - f) In claim 14, line 4; and claim 15, lines 4-5, the claimed limitation “a map” should be corrected to “the map”.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Claims 4, 8-10 and 12-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) In claim 4, lines 4-5, the claimed limitation "said processor directs said transmitter" is ambiguous. It is not clear if "said processor" refers to the "first processor" or the "second processor", and it is not clear if "said transmitter" refers to the "first transmitter" or the "second transmitter".

b) In claim 4, line 5, the claimed limitation "a signal" seems to be the "position signal" in claim 1, line 4.

c) In claim 8, line 3, the limitation "said predetermined frequency" lacks antecedent basis.

d) Claims 12-13 lacks antecedent basis because claims 12 and 13 depend on claim 17 that is not previously found.

e) Claims 9-10 and 14-15 are rejected as being dependent on the rejected base claim.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-7, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuesters (US patent No. 6,113,504).

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a. As per claim 1, Kuesters discloses a positioning system for determining a position of a golf ball. The system comprises a golf ball having a first transmitter (col. 2, lines 29-30; and col. 3, lines 24-26); a first processor, a first receiver, and a display (col. 2, lines 30-35; and col. 10, lines 5-15). Kuesters does not explicitly disclose a detection unit. However, Kuesters discloses a combination of the first processor, the first receiver, and the display capable of determining position of the golf ball (col. 2, lines 30-35; and col. 10, lines 5-15). Further, including the processor, receiver, and display in a unit would have been well known to a person of ordinary skill in the art at the time the invention was made. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include all the processor, the receiver, and the display of Kuesters in a unit in order to facilitate arrangement different devices into a compact unit.

b. As per claim 2, Kuesters discloses transmitting a signal of a predetermined frequency (col. 5, lines 20-30).

c. As per claim 3, Kuesters does not explicitly disclose including a second processor in the golf ball. However, Kuesters discloses including a second timing circuit 36 (Fig. 3) in the golf ball for controlling transmission of the signal (col. 5, lines 55-61). Further, using a processor for controlling timing of transmission would have been well known to a person of ordinary skill in the art at the time the invention was made. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to replace the timing circuit of Kuesters with a processor in order to facilitate controlling transmission using software control.

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b. As per claim 5-6, Kuesters discloses displaying a map of a golf course (col. 8, lines 22-27). Further, dividing a display into a plurality of areas would have been well known to a person of ordinary skill in the art at the time the invention was made.

c. As per claim 7, Kuesters discloses a capability of recognizing different golf balls having unique frequencies (col. 5, lines 25-30). Further, including a capability of receiving different frequencies to a receiver would have been well known.

d. As per claim 11-13, Kuesters discloses a notifying means for notifying the golfer when the golf ball is within a predetermined distance audibly (col. 8, lines 42-45 and 50-53; and col. 9, lines 29-37). Further, generating vibration signal instead of audible signal as a notification would have been well known.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuesters (US patent No. 6,113,504) in view of Morse (US 2002/0188359).

As per claim 4, Morse discloses including a second transmitter 44 (Fig. 7) in the detection unit, and Morse discloses including a second receiver 64 (Fig. 7) in the golf ball. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the second transmitter of Morse in the detection unit of Kuesters; and to implement the second receiver of Morse to the golf ball of Kuesters in order to facilitate data transmission between the detection unit and the golf ball.

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7. Claims 8-10 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuesters (US patent No. 6,113,504) in view of Quimby (US patent No. 5,910,057).

a. As per claim 8, Quimby discloses using a numerical keypad for tuning a receiver (col. 4, lines 23-24). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the numerical keypad of Quimby to the detection unit of Kuesters in order to facilitate tuning the receiver in the detection unit.

b. As per claim 9-10, using an expansion card reader for receiving data from a storage medium would have been well known to a person of ordinary skill in the art at the time the invention was made. Further, providing a map of a golf course for displaying would have been well known.

c. As per claim 14-15, Kuesters discloses using GPS for determining and displaying a position of an object (col. 9, lines 19-27). Further, implementing GPS transmitter and receiver into a mobile object such as a detection unit or a golf ball would have been both well known and obvious.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET. The central official fax number is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

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Date: August 18, 2004



**KIM NGUYEN**  
**PRIMARY EXAMINER**